

DOCKET FILE COPY ORIGINAL 

## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

DANIEL WAGGONER  
DIRECT (206) 628-7707  
danwaggoner@dwt.com2600 CENTURY SQUARE  
1501 FOURTH AVENUE  
SEATTLE, WA 98101-1688TEL (206) 622-3150  
FAX (206) 628-7699  
www.dwt.com

September 1, 2005

RECEIVED

SEP - 1 2005

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554Federal Communications Commission  
Office of SecretaryRe: *WC Docket Nos. 04-36 and 05-196, Second Subscriber Notification Report.*

Dear Ms. Dortch:

On August 5, 2005, we submitted a letter on behalf of Adelphia Voice Services regarding its provision of VoIP services in the context of a limited technical trial in Colorado serving only a group of its employees. As discussed in that letter, Adelphia Voice Services does not charge these employees for the service. The employees signed terms and conditions for the trial that informed them of the limitations on E911 access from their VoIP devices and they are required to retain their existing telephone service with E911 capability.

Although there does not appear to be any requirement that Adelphia Voice Services comply with the new VoIP E911 rules<sup>1</sup> in the context of this limited, employee-only technical trial, Adelphia recently mailed an informational package addressing the E911 limitations of the service to the trial participants along with E911 disclosure labels to be affixed to the equipment utilized in conjunction with the VoIP service. This material included a notification to the employee participants that they must affirmatively acknowledge their awareness of the E911 limitations or they would be disconnected by August 30, 2005.

A third party provider then sent all of the employee trial participants an e-mail message requesting acknowledgement of their receipt of the package and their understanding of the E911 limitations discussed therein. If a participant did not respond to the e-mail, or if Adelphia Voice Services did not have an e-mail address for the participant, it sent a document to their mailing address asking them to acknowledge receipt of the information and their understanding of the E911 limitations by signing and returning the document.

<sup>1</sup> The Commission promulgated the VoIP E911 rules in the First Report and Order and Notice of Proposed Rulemaking (FCC 05-116) released on June 3, 2005 in the above-referenced dockets.

No. of Copies rec'd 041  
List A B C D E

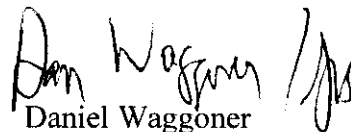


As of today, 196 of the 204 trial participants (96%) have provided their E911 acknowledgement in response either to the e-mail or the regular mailing described above. The remaining participants have yet to respond to the requests for acknowledgement. Adelphia Voice Services expects that these remaining participants will respond by September 28, 2005. If a participant has not responded by September 28, 2005, Adelphia Voice Services will implement a "soft" disconnect that allows the party only to place calls to Adelphia Customer Service and 911/E911 calls. If technical issues prevent a soft disconnect, Adelphia Voice Services will fully disconnect the service. The soft or full disconnection will remain in place until acknowledgement is received.

Adelphia Voice Services strongly supports the Commission's efforts to ensure that VoIP customers are fully aware of how to gain access to E911 and 911. Adelphia Voice Services of course will comply fully with the VoIP E911 rules when it moves forward with the commercial launch of its VoIP service.

Very truly yours,

Davis Wright Tremaine LLP

  
Daniel Waggoner

cc: Jo Gentry, Adelphia Voice Services